

ITW



44995 (P-6028)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Nicholas R. Bachur Jr. et al.

Serial No.: 10/699,835

Filed: November 4, 2003

For: Apparatus And Method For Using Optical  
Mouse Engine To Determine Speed, Direction,  
Position Of Scanned Device And To Obtain  
Quantitative Or Qualitative Data From Same

Group Art Unit: 2624

Examiner: Bitar, Nancy

REPLY TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment of June 19, 2007, copy attached, the Applicants herewith attach a copy of the Amendment and Response to Office Action that was filed at the U.S. Patent and Trademark Office on June 8, 2007, including an itemized postcard receipt having an OIPE received date stamp of June 8, 2007. The extension fee of \$450 was attached to the Amendment and Response to Office Action that was filed at the U.S. Patent and Trademark Office on June 8, 2007, and no fees are believed to be due with this response to Notice of Non-Compliant Amendment. However, if any fees are required, the Director is hereby authorized to charge the fees to Deposit Account No. 18-2220.

Respectfully submitted,

Dated: July 3, 2007

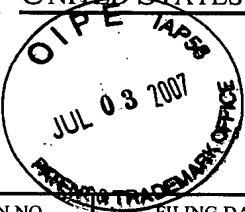
Ronald S. Grubb  
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Attorney for Applicants

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# UNITED STATES PATENT AND TRADEMARK OFFICE

RSG



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,835	11/04/2003	Nicholas R. Bachur JR.	44995	5572

7590 06/19/2007  
Stacey J. Longanecker  
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Suite 600  
1300 19th Street, N.W.  
Washington, DC 20036

EXAMINER

BITAR, NANCY

ART UNIT PAPER NUMBER

2624

MAIL DATE DELIVERY MODE

06/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Doc'd JNP File 44995  
Rec'd  
Response due: 19 JUL 07  
JUN 21 2007  
ROYLANCE, ABRAMS  
BERDO & GOODMAN, L.L.P.  
BY *[Signature]*



Notice of Non-Compliant  
Amendment (37 CFR 1.121)

Application No.

10/ 699835

Applicant(s)

Examiner

Bitar, Nancy

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 6-8-07 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:

- ☐ A. Amended paragraph(s) do not include markings.  
☐ B. New paragraph(s) should not be underlined.  
☐ C. Other \_\_\_\_\_

☐ 2. Abstract:

- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.  
☐ B. Other \_\_\_\_\_

☐ 3. Amendments to the drawings:

- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).  
☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.  
☐ C. Other \_\_\_\_\_

☒ 4. Amendments to the claims:

- ☒ A. A complete listing of all of the claims is not present.  
☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)  
☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).  
☐ D. The claims of this amendment paper have not been presented in ascending numerical order.  
☒ E. Other: Pages 5-7 are missing.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

*Nichole Bitar*

Legal Instruments Examiner (LIE)

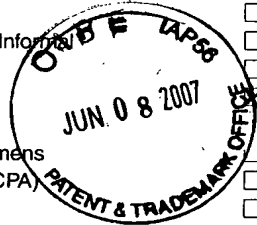
571 272-7273

Telephone No.



Due Date June 25, 2007 Today's Date June 8, 2007  
USSN/USP 10/699,835 RAB&G FILE NO. 44995 BY: RSG/eh  
In Re Nicholas R. Bachur Jr. et al.  
For Apparatus and Method for Using Optical  
Mouse Engine to Determine Speed, Direction  
The following was received in the US Patent & Trademark Office on the date stamped hereon:

- ☒ Check for \$ 450.00  
☐ Specification \_\_\_\_\_ pgs. \_\_\_\_\_ claims  
☐ Combined Decl., Petition & Power  
☐ Assignment  
☐ Drawings \_\_\_\_\_ Sheets ☐ Formal ☐ Informative  
☐ Small Entity Statement  
☐ Claim for Priority & ☐ Document  
☐ Information Disclosure Statement  
☐ Trademark Application & \_\_\_\_\_ Specimens  
☐ Rule 53(b) Appln. ☐ Rule 53(d) Appln. (CPA)



- ☒ Amendment & ☒ Response  
☐ Notice of Appeal  
☐ Brief ☐ Req. Oral Hearing  
☐ Issue Fee Transmittal  
☐ Trademark Renewal Application  
☐ Decl. of Use ☐ 8 ☐ 15  
☒ Petition to Extend 2 mos./days  
Completion of Application  
☐ \_\_\_\_\_  
☐ \_\_\_\_\_  
☐ Due Date Not Related To Response